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Client-Matter Number  
NEC DP-907

February 8, 2008

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Examiner Best, Zachary P.	United States Patent and Trademark Office	1-571-273-8300

FROM: Norman P. Soloway

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REQUEST FOR CORRECTED OFFICE ACTION

MESSAGE:

Appln. Of: MIYACHI et al  
Serial no.: 10/500,165  
Filed: June 23, 2004  
For: LITHIUM-ION SECONDARY BATTERY  
Docket: NEC DP-907

Received: 1. Request For Clarification And Replacement Action (2  
pgs)  
2. Copy of Public Pair Printout (3 pgs)  
3. Copy of Preliminary Amendment (6 pgs)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. Of: MIYACHI, *et al* Art Unit: 4191  
Serial No.: 10/500,165 Examiner: Zachary P. Best  
Filed: June 23, 2004  
For: LITHIUM-ION SECONDARY BATTERY  
DOCKET: NEC DP-907 Confirmation No. 9053

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CLARIFICATION AND REPLACEMENT ACTION**

Dear Sir:

The Office Action mailed January 9, 2008 is at hand. The Action objects to claims 5-8 and 12 under 37 CFR 1.175(c) as being in improper form. More particularly, the Examiner objects to claims 5-8 and 12 as being multiple dependent claims and being unsuitable as serving as the basis for other multiple dependent claims. Accordingly, claims 5-8 and 12 have not been treated on the merits in the outstanding Action.

In objecting to claims 5-8 and 12 and failing to treat such claims on the merits, the Examiner appears to have examined the original claims rather than the claims submitted by Preliminary Amendment contemporaneously with the initial filing. Enclosed is a printout from Public Pair showing safe receipt by the PTO of the Preliminary Amendment on June 23, 2004. Also for the convenience of the Examiner is a copy of the Preliminary Amendment as filed with the initial filing.

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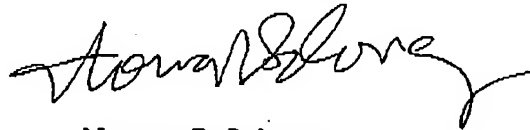
175 CANAL STREET  
MANCHESTER, NH 03101

Serial No. 10/500,165  
Docket No. NEC DP-907

Request for Clarification and Replacement Action

Accordingly, the Examiner is respectfully requested to withdraw the current Action, and to issue a corrected Action in which all of the claims are addressed on the merits.

Respectfully submitted,



Norman P. Soloway  
Attorney for Applicants  
Reg. No. 24,315

Customer No. 27,667

CERTIFICATE OF TRANSMISSION VIA FACSIMILE

I hereby certify that this correspondence is being sent via facsimile to EXAMINER Zachary P BEST of the United States Patent and Trademark Office at facsimile number (571) 273-8300, on February 8, 2008, from Tucson, Arizona.

By 

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10/500,165

Lithium-ion secondary battery

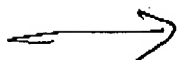


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